

**PATENT****REMARKS**

Claims 1-13 are pending in the present application. In this amendment, Applicants respectfully respond to the Office Action dated November 23, 2004, and traverse all rejections.

***Claim Rejections – 35 USC § 102***

Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Vanghi (US Patent No. 6,711,150), hereinafter referred to as Vanghi.

Applicants' claims are novel and patentable over Vanghi. All of Applicants' claims include the feature of "determining a **transmission** energy setpoint." Vanghi, however, does not recite the determining of a **transmission** energy setpoint. Rather, Vanghi states "to perform inner loop power control, the base station measures the energy of the **received** signal from the mobile station and computes the SNR of the **received** signal. The base station compares the computed SNR to the target SNR referred to herein as the power control setpoint." (Please see Vanghi, column 4, lines 44-44). Hence, the **transmission** energy setpoint as in Applicants' claims, which is applied at the **transmitter** is distinct from the power control setpoint applied at the **receiver** as in Vanghi.

Because of the above distinction, all of Applicants' claims are novel and patentable over Vanghi.

**PATENT**

**CONCLUSION**

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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